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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,586	03/13/2001	John Anthony Lotspih	DP-301891	1171

7590 04/11/2002

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EXAMINER

EDELL, JOSEPH F

ART UNIT	PAPER NUMBER
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3636

DATE MAILED: 04/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/805,586

Applicant(s)

LOTSPIH, JOHN ANTHONY

Examiner

Joseph F Edell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 13 March 2001.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

1. Claims 7 and 11 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

2. Claims 7 and 11 recite the limitation "itself" in line 3 and line 8, respectively.

There is insufficient antecedent basis for this limitation in the claim.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,056,316 to Yamaji et al.

Yamaji et al. disclose an air bag assembly that includes all the limitations recited in claims 1 and 2. Yamaji et al. disclose an air bag assembly having an inflator 10 (Fig. 1) and an inflatable air bag cushion 3 (Fig. 1) having first and second portions with

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restrained expansion due to staggered restraining elements 7,8 (Figs. 6 & 8) extending partially across the width of the air bag cushion.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3, 4, and 7-11, as best understood, are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaji et al. in view of U.S. Patent No. 6,129,377 to Okumura et al.

Yamaji et al. disclose an air bag assembly that is basically the same as that recited in claims 3, 4, and 7-11, as best understood, except that the cushion is not formed from a single piece of material, as recited in the claims. See Figure 3 of Yamaji et al. for the teaching that the seams may be sewn. Okumura et al. show an air bag assembly similar to that of Yamaji et al. wherein the cushion 15 (Fig. 9) is formed from a single piece of woven textile that is folded and enclosed with a perimeter seam. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the air bag assembly of Yamaji et al. such that the cushion is formed from a single piece of woven fabric, such as the air bag assembly disclosed in Okumura et al. One would have been motivated to make such a

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modification in view of the suggestion in Okumura et al. that an air bag formed from a single piece of woven fabric is simple to manufacture.

7. Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamaji et al. in view of U.S. Patent No. 5,618,595 to Matsushima et al.

Yamaji et al. disclose an air bag assembly that is basically the same as that recited in claims 5 and 6 except that the cushion yard density is not specified, as recited in the claims. Matsushima et al. show an air bag assembly similar to that of Yamaji et al. wherein the cushion 1 (Fig. 1) has a density of about 840 denier (see column 1, lines 18-20). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the air bag assembly of Yamaji et al. such that the cushion has a yarn density of about 105 denier to about 840 denier and denier per filament of yarns in the range of about 3 to about 6, such as the air bag assembly disclosed in Matsushima et al. One would have been motivated to make such a modification in view of the suggestion in Matsushima et al. that the linear density of about 840 denier is average.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The following patents are cited to further show the state of the art with respect to air bag assemblies:

U.S. Pat. No. 4,508,294 to Lorch

U.S. Pat. No. 5,884,937 to Yamada

U.S. Pat. No. 5,941,564 to Acker

U.S. Pat. No. 5,957,487 to Stütz

U.S. Pat. No. 6,095,602 to Umezawa et al.


U.S. Pat. No. 6,113,135 to Tsutsumi


U.S. Pat. No. 6,170,860 B1 to Denz et al.

Jap Pat. No. 11-157410 to Suzuki et al.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph F. Edell whose telephone number is (703) 605-1216. The examiner can normally be reached on Mon.-Fri. 8:30am-5:00pm.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-2168.

JE   
April 8, 2002

  
Peter M. Cuomo  
Supervisory Patent Examiner  
Technology Center 3600